

DECLARATION AND POWER OF ATTORNEY FOR UTILITY PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below, next to my name,

I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

**REFLECTION-TYPE OPTICAL CIRCULATOR UTILIZING A LENS AND
BIREFRINGENT PLATES**

the specification of which

X is attached hereto.

___ was filed on _____, and assigned Serial No.: 0 / _____.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I do not know and do not believe that the same was ever known or used in the United States of America before my invention thereof, or patented or described in any printed publication in any country before my invention thereof or more than one year prior to this application, that the same was not in public use or on sale in the United States of America more than one year prior to this application, and said invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to this application.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56 (a).

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119, of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

Priority Claimed

_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	_____ Yes	_____ No
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	_____ Yes	_____ No

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

_____ (Application Serial No.)	_____ (Filing Date)	_____ (Status -- patented, pending, abandoned)
_____ (Application Serial No.)	_____ (Filing Date)	_____ (Status -- patented, pending, abandoned)

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following as my attorney(s) with full power of substitution and revocation to transact all business in the United States Patent and Trademark Office connected herewith.

Joseph A. Sawyer, Jr., Reg. No. 30,801
Stephen G. Sullivan, Reg. No. 38,329

Janyce R. Mitchell, Reg. No. 40,095
Michele Liu, Reg. No. P44,875

Please address all correspondence and direct all telephone calls relating to this application to Mr. Sawyer at:

SAWYER & ASSOCIATES
P.O. Box 51418
Palo Alto, CA 94303

(650) 493-4540

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Name of sole/first Inventor:

Simon X. F. Cao

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San Mateo

California

94403

City

County

State

Postal Code

Post Office Address:

SAME

Citizenship:

People's Republic of CHINA

Date

9/21/99

Signature of Inventor



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Cao

Serial No.:

Filed: **Herewith**

For: **REFLECTION-TYPE OPTICAL CIRCULATOR UTILIZING
A LENS AND BIREFRINGENT PLATES**

**DECLARATION CLAIMING SMALL ENTITY
STATUS UNDER 37 CFR 1.9(f) and 1.27(c)
SMALL BUSINESS CONCERN**

I hereby declare that I am

- ☐ the owner of the small business concern identified below:
☒ an official of the small business concern empowered to act on behalf of the concern
identified below:

NAME OF CONCERN

AVANEX CORPORATION

ADDRESS OF CONCERN

42501 Albrae Street
Fremont, California 94583

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal years, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention entitled **REFLECTION-TYPE OPTICAL CIRCULATOR UTILIZING A LENS AND BIREFRINGENT PLATES** by inventor(s) Simon X.F. Cao, described in the application filed herewith.